

### **DETAILED ACTION**

Claims 1-5 are pending in the instant application. Claims 6-10 were cancelled by amendment filed on April 7, 2008.

#### ***Response to Amendment***

The amendment to the claims filed on April 7, 2008 was considered. The ground of rejection set forth in the office action dated March 19, 2008 is moot in view of Applicant's amendment. Therefore, the claim 35 112 2<sup>nd</sup> paragraph rejection is withdrawn.

In further consideration, the scope of the elected subject matter and the search has been extended to include the full scope of claim 1. Therefore, the claim objections have been withdrawn.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

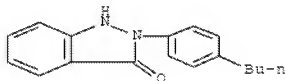
Claim 5, line 3, remove "for or preventing of". The claim should then read "A method for treating a disease or condition..."

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: the instantly claimed compounds of formula (I) are novel and non-obvious over the prior art because

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of the structural limitation W is a phenyl ring or a six-membered heteroaromatic ring containing one, two or three nitrogen atoms, which ring is optionally substituted. The closest prior art is Bruneau *et al.* (US Patent No. 5,173,496, Dec. 22, 1992) which discloses pharmaceutical compositions containing a 1,2-dihydro-3H-indazol-3-one derivative, such as the following compound.



The above compound is missing a substituted phenyl or six-membered heteroaromatic ring where the W substituent is located in the instantly claimed compounds. This gives the compound different properties than the compounds of the instant claims and is, therefore, not within the scope of the compounds in the instant claims and is a non-obvious variant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is

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(571)270-5232. The examiner can normally be reached on Mon-Fri 7:30-5, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Janet Andres and Cecilia Tsang can be reached at 571-272-0867 and 571-272-0562, respectively. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal A Saeed, Ph.D./  
Primary Examiner, Art Unit 1626

Kristin Bianchi  
Examiner  
Art Unit 4131

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